HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 628 of 2007

Between:

Smt. Gande Siddamma & others

... Appellants

And

Special Grade Deputy Collector-cum-
Revenue Divisional Officer, East Division,
Hyderabad & others

... Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri P. Prabhakar Reddy

Counsel for respondent Nos.3 to 28 : Mrs. S. Nanda

August 13, 2007

Per G.S. Singhvi, CJ

This appeal filed by Smt. Gande Siddamma and three others for setting aside order dated 23.07.2007 passed by the learned Single Judge in Writ Petition No.15582 of 2007 is a vexatious piece of litigation, which deserves to be dismissed with costs.

One Shri Syed Yaseen entered into an agreement of sale with the original pattadar of land measuring Acs. 274-00 in Survey Nos. 82 to 101 situated at Bacharam Village, Hayatnagar Mandal, Ranga Reddy District. After some time, Syed Yaseen filed O.S.No.588 of 1969 against the original pattadar in the Court of the IV Additional Judge, City Civil Court, Hyderabad for passing a decree for execution of registered sale deed. The suit was decreed on 20.04.1970.

Thereafter, the original pattadar executed sale deed in favour of Syed Yaseen and got the same registered. On 23.11.1972, Syed Yaseen entered into a notarized agreement of sale with Gande Venkataiah (predecessor of the appellants). After the demise of Gande Venkataiah, the appellants filed an application under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 for regularization of the sale. The Mandal Revenue Officer allowed the application vide his order dated 30.04.2005. Respondent Nos. 18 to 28, who claim to have purchased the land from the legal representatives of Syed Yaseen, appealed against the order of the Mandal Revenue Officer. The same is pending adjudication before the Revenue Divisional Officer, Ranga Reddy District (respondent No.2). During the pendency of the appeal, respondent Nos. 3 to 17 filed an application under Order 1 Rule 10 of the Code of Civil Procedure for their impleadment as parties by asserting that they have entered into an agreement of sale-cum-General Power of Attorney dated 16.12.2005 with the heirs of Syed Yaseen. Respondent Nos. 18 to 28 did not contest the application filed by respondent Nos. 3 to 17, but the appellants opposed the same. By an order dated 02.07.2007, respondent No.2 allowed the application albeit without assigning detailed reasons.

The writ petition filed by the appellants questioning the legality of order dated 02.07.2007 was dismissed by the learned Single Judge on the premise that impleadment of respondent Nos. 3 to 17 will not affect the rights of the petitioners. The learned Single Judge noted that the appellants had acquired right in the land in dispute pursuant to order dated 30.04.2005 passed by the Mandal Revenue Officer despite the fact that they had purchased the land through an unregistered sale deed and observed that they do not have the locus to question the

impleadment of respondent Nos. 3 to 17, who too had claimed right in the land on the basis of agreement of sale-cum-General Power of Attorney. The relevant portion of the order passed by the learned Single Judge is reproduced below:

> " Admittedly, the appeal is filed by respondents 18 to 28 against the orders dated 30.04.2005 regularising the sale in favour of the petitioners under Section 5-A of the Act. In said appeal, the petitioners herein are the respondents and therefore, ordinarily the co-respondents can have no objection if a third party is impleaded as party respondent as no prejudice would be caused to them. Secondly even late Venkataiah purchased land from Syed Yaseen under unregistered document. Therefore, when the question is whether second respondent regularized the sale in favour of the petitioners herein pursuant to unregistered document in favour of late Venkataiah, respondents 3 to 17 are certainly proper parties. Be it noted, respondents 3 to 17 also claimed to have purchased land from the legal heirs of Syed Yaseen. Therefore, presence of respondents 3 to 17 in the appeal filed by respondents 18 to 28 along with the petitioners herein is necessary for the appellate authority to decide the question once for all. If ultimately any party is aggrieved by such orders, they can always file a suit before appropriate Civil Court under Section 8(2) of the Act."

Learned counsel for the appellants argued that once the Mandal Revenue Officer has regularized the sale in favour of his clients, they cannot be made to contest their entitlement to retain the property qua third person. He submitted that even though the Revenue Divisional Officer may not be able to pass any substantive order in favour of the impleaded respondents, the order impugned in the writ petition is liable to be set aside because the same will unnecessarily delay the disposal of the appeal.

In our opinion, there is no merit in the arguments of the learned counsel and the appeal is liable to be dismissed because the impleadment of respondent Nos.3 to 17 will not, in any manner, affect

the rights of the appellants. It is neither the pleaded case of the appellants nor the learned counsel argued that respondent Nos.3 to 17 have sought any particular relief against his clients. Therefore, the appellants' grievance against order dated 02.07.2007 is clearly misconceived.

We are further of the view that respondent Nos. 3 to 17 do have some interest in the land in question because they claim to have purchased the same under an agreement of sale-cum-General Power of Attorney dated 16.12.2005 executed by the legal heirs of Syed Yaseen. They may either support the cause of respondent Nos. 18 to 28 or that of the appellants. Therefore, we do not see any reason to set aside the order of the learned Single Judge or quash the one passed by the Revenue Divisional Officer.

For the reasons stated above, the appeal is dismissed. For filing frivolous appeal, the appellants are saddled with costs of Rs.10,000/-, which shall be deposited by them with the Andhra Pradesh State Legal Services Authority within a period of one month. The Member Secretary, Andhra Pradesh State Legal Services Authority should inform the Court whether or not the appellants have deposited the amount of costs so that if it becomes necessary, the Court may issue necessary order for recovery of the amount of costs as arrears of land revenue.

As a sequel to dismissal of the writ appeal, W.A.M.P.No. 1271 of 2007 filed by the appellants for interim relief is also dismissed.

G.S. SINGHVI, CJ

August 13, 2007

C.V. NAGARJUNA REDDY, J

ksld